

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

**KARL B. RAUCH, SR.,**

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**Plaintiff,**

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**-vs-**

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**CA NO:10-1154  
O R D E R**

**RICHLAND-LEXINGTON SCHOOL  
DISTRICT 5; ANGELA BAIN; DAVID  
SHEALY; EDWARD HAVIRD; IN  
THEIR INDIVIDUAL CAPACITIES,**

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**Defendants.**

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The plaintiff, Karl B. Rauch, Sr., has filed the instant action against his former employer, Richland-Lexington School District 5, and three of its employees, Angela Bain, David Shealy and Edward Havird alleging Age Discrimination in violation of 28 U.S.C. § 621 *et. seq.* The plaintiff has also asserted a pendent state law claim alleging civil conspiracy. The defendants deny the plaintiff's allegations. Defendants Bain, Shealy and Havird and have filed a motion to dismiss plaintiff's Second Cause of Action for Civil Conspiracy. The matter is now before the Court upon the Report and Recommendation of the United States Magistrate Judge to whom it was referred pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B) for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the court. See Mathews v. Weber, 423 U.S. 261 , 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. §636(b)(1).

In this matter, the Magistrate Judge recommends the defendants' motion to dismiss plaintiff's Second Cause of Action be granted. The plaintiff has not filed objections to the Magistrate Judge's Report and Recommendation. In the absence of such objections, the Court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F. 2d 198, 199 (4<sup>th</sup> Cir. 1983). Moreover, a failure to object waives appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4<sup>th</sup> Cir. 1985).

The Court has made a thorough *de novo* review of the record before it. Upon careful consideration, the Report and Recommendation of the Magistrate Judge is approved. For the reasons set forth in the Report and Recommendation of the Magistrate Judge, the defendants' motion to DISMISS the plaintiff's Second Cause of Action is GRANTED.

IT IS SO ORDERED.

s/MATTHEW J. PERRY, JR.  
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
October 6, 2010